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LIST OF ISSUES PREPARED IN THE ABSENCE OF THE SECOND PERIODIC REPORT OF THE STATE PARTY, DUE ON 21 JUNE 1985

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Constitutional and domestic legal framework within which the Covenant is implemented (art. 2)

1. What is the status of the Covenant in the constitutional and domestic legal framework? Can the provisions of the Covenant be invoked directly before the courts? If so, have there been instances in which this has been done? Please give details about relevant court cases.

2. Please explain how the 1996 Constitution protects the rights enshrined in the International Covenant on Civil and Political Rights. What has the State party done to harmonize existing civil and religious laws and customary practices with its obligations under the Covenant?

Provision of effective remedies; impunity (art. 2)

3. Please clarify whether a system for providing effective legal redress to victims of human rights violations is in place in the State party. How can the constitutional provision providing for total impunity from criminal prosecution or civil action for members of the Armed Forces Provisional Ruling Council (AFPRC) be reconciled with article 2 of the Covenant?

Gender equality, discrimination (arts. 3 and 26)

4. The Gambian Constitution specifically exempts from the provisions on discrimination laws relating to personal law, including marriage, divorce and inheritance. What steps is the Government considering to eliminate practices and laws relating to marriage, authority in the family, divorce and inheritance that restrict women's right to equality?

5. Numerous allegations have been brought to the attention of the Committee to the effect that women are frequently discriminated against in practice. Please explain in detail the situation of women in the economic and social life of the country, in particular about the situation of women in employment, higher education, the private and public sector, and in Government.

6. The State party's report to the Committee on the Rights of the Child indicates that families tend to sacrifice the education of the girl child when financial resources are inadequate to meet school fees. Please provide detailed information about policies on primary school enrolment of boys and girls and information about alleged discrimination in primary education, especially vis-à-vis the girl child.

Right to life (art. 6); prohibition of torture (art. 7)

7. The death penalty was reintroduced in the Gambia in August 1995, after its abolition in 1993. How does the State party justify this measure, in the light of article 6, paragraph 6, of the Covenant, and for what crimes may the death penalty be imposed? How many death sentences have been passed since the reintroduction of the death penalty? Please give details on those cases which resulted in a capital verdict. Have any executions been carried out since 1995?

8. A formal investigation by an independent Commission of Inquiry into the death of at least 14 individuals during demonstrations in Banjul and Brikama on 10 and 11 April 2000 concluded that officers of the security forces were responsible, and recommended they be prosecuted. In early 2001, the Government announced that no prosecutions would take place in the interest of "national reconciliation". How can the decision not to prosecute, and immunity from prosecution, be reconciled with article 2 of the Covenant?

9. What are the norms in place that govern the use of force by the security forces and the armed forces? Do members of the security and the armed forces receive training with a view to avoiding excessive use of force?

10. What measures has the State party taken, or envisage taking, to reduce the high incidence of maternal mortality in the country?

11. What are the legal, social and other measures in place which are designed to protect women from domestic violence? To what extent do women who are subject to domestic violence have access to shelters and effective judicial redress?

12. Please comment on reports brought to the Committee's attention that female genital mutilation (FGM) is prevalent throughout the State party's territory. What legal and educational measures is the State party taking to combat the practice of FGM?

13. What legal regulations has the State party adopted in respect of abortion where pregnancy results from rape?

14. Please provide information about the laws and regulations in place to give effect to the prohibition of torture in article 7 of the Covenant. Please comment on alleged incidents of torture in the Two Mile prison (the principal State prison) and reported incidents of torture to obtain confessions. Can confessions said to have been obtained through duress be used in court? Please provide specific information about the case of Mr. Juwara MP, who is said to have been subjected to ill treatment in custody in May 1998.

15. Please comment on allegations brought to the attention of the Committee that the conditions of detention in prisons, and more particularly the Two Mile prison, amount to cruel, inhuman and degrading treatment contrary to article 7 of the Covenant.

Security of person; freedom from arbitrary arrest (art. 9)

16. Please provide detailed information about the laws, regulations and practice governing arrest and detention. What is the time-limit within which arrested persons must be brought before a judge or judicial officer?

17. Please comment on allegations that numerous politicians who have been outspokenly critical of the present Government have been subjected to arrest, detention and trial, and that they are sometimes held incommunicado and for prolonged periods of time.

Right to fair trial (art. 14)

18. Please provide detailed information on the structure of the judiciary and the procedure for the nomination of judges. Do judges benefit from security of tenure?

19. Please comment on allegations that those accused of crimes against national security and those opposed to the Government who face criminal charges do not benefit from all guarantees of due process and for a fair trial, and that some have been tried by military courts.

Treatment of aliens and refugees (art. 13)

20. Please provide information about the treatment of refugees on the State party's territory resulting from the conflict in the province of Casamance in Senegal.

Freedom of religion (art. 18) and freedom of opinion and expression (art. 19)

21. How is religious freedom guaranteed in the State party? Please provide information about the incident of the Brikama mosque in 1998 and the trial of those arrested in connection with the incident.

22. Please explain in detail the reasons that led to control of the broadcasts or the closure of radio stations broadcasting programmes critical of the Government, such as the closure of the independent "Citizen FM" radio station early in 1998. How can such closures be justified in the light of article 19 of the Covenant? Please provide information about the alleged harassment, intimidation and detention of journalists said to be critical of the Government.

23. Do Decrees 70 and 71 of 1996, issued by the AFPRC in February 1996 and which unduly increase limitations on the right to freedom of expression by significantly increasing fines for contraventions of the Newspaper Act and increasing the amount of money required as a bond for the registration of all existing newspapers, remain in force?

Right to freedom of assembly (art. 21)

24. The Constitution of Gambia provides for freedom of assembly. Please provide detailed information on the measures taken by the Government to restrict this right in practice. Also provide information on the alleged repeated denial to opposition parties, in particular to the United Democratic Party (UDP), of permission to organize public meetings.

Protection of the family (arts. 23, 24)

25. Does the State party envisage taking any measures that would abrogate the right to polygamous marriage?

26. The Committee is informed that forced and/or early marriages are common in the State party, and that they affect in particular the girl child. What measures, legal, educational or otherwise, has the State party taken or envisaged taking to eliminate the practice of forced or early marriage?

Right to political participation (art. 25)

27. According to information before the Committee, restrictions on opposition political activity continue to be widespread, in spite of the decision, in 1997, to lift a ban on opposition political parties. How is this practice considered to be compatible with article 25 (a) of the Covenant, under which Gambian citizens have the right to take part in public affairs through freely chosen representatives?

28. The Committee has been informed that opposition politicians are routinely denied media coverage by State-owned media and are either intimidated or arrested and detained under unsubstantiated charges. Please explain the compatibility of such practices with articles 9 and 25.

29. Decree 89 bans three former political parties and individuals who held high-level government or ministerial offices prior to the change of Government in 1994 from any involvement in politics until the year 2024. Does this decree remain in effect? If it does not, have those who were affected by it been afforded redress? Are there any other measures that restrict the activities of opposition political parties?

Dissemination of the Covenant and the Optional Protocol

30. Has the State party taken any measures to educate public officials, law enforcement and judicial officers, the legal profession and the general public about the provisions of the Covenant? Have any similar education measures been taken in respect of the provisions of the Optional Protocol to the Covenant?

31. Are all NGOs that engage in human rights monitoring on the State party's territory able to disseminate freely information about the provisions of the Covenant and the Optional Protocol?